

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON
SEPTEMBER 11, 2001

**NOTICE OF AMENDMENT
AS TO THE TALIBAN AND
MUHAMMAD OMAR**

X

This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN)

Bauer, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-7236 (GBD)(SN)

Plaintiffs identified herein file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, in a form similar to notices previously permitted and approved by this Court in its December 1, 2020 Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment as to Sudan, ECF No. 6547, and October 28, 2019 Amended Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment addressing claims against the Kingdom of Saudi Arabia (“KSA”) and the Islamic Republic of Iran (“Iran”), ECF No. 5234.¹ Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the “New Plaintiffs”) as plaintiffs raising claims against the Taliban and Muhammad Omar.

The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the *Ashton* Plaintiffs First Amended Complaint, No. 02-6977, ECF No. 2 (hereinafter “*Ashton* First Amended Complaint”), as well as all causes of action and all subsequent amendments thereto. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint.

¹ The Order of October 28, 2019 (ECF 5234) approving notices to conform, short form complaints and notices of amendment supersedes all previous Orders addressing procedures established by the Court for filing new claims or amending those brought against defendants including the Court’s July 10, 2018 Amended Order filed at ECF 4045.

This Notice of Amendment relates solely to the Taliban and Muhammad Omar and does not apply to any other defendant.

Upon filing this Taliban Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with the complaint; and all prior Orders and rulings of the Court in connection with that complaint, including the default judgment entered by this Court on May 12, 2006, ECF 1797, which specifically identifies the Taliban and Muhammad Omar in Exhibit B filed at ECF 1782-5, April 27, 2006.

Additionally, each New Plaintiff incorporates the factual allegations and findings contained in the pleadings and orders filed at *Havlish v. Bin Laden*, No. 1:03-CVC-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295, 316; *In re Terrorist Attacks on September 11, 2001*, 03-MDL-1570 (GBD)(SN)(S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011.

CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference, the factual allegations, jurisdictional allegations, and jury trial demand in the following complaints:

- *Ashton* First Amended Complaint, No. 02-6977, ECF No. 2.

IDENTIFICATION OF NEW PLAINTIFFS

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Brady, Joan	New Jersey	U.S. Citizen	John A. Candela	Sister	<i>Bauer</i> action ² Paragraph 9
2	Mee, Est. of Karen A.	New Jersey	U.S. Citizen	John A. Candela	Sister	<i>Bauer</i> action Paragraph 9
3	Mennona, Heidi	New Jersey	U.S. Citizen	David R. Meyer	Daughter	<i>Bauer</i> action Paragraph 15
4	Meyer, Charles	New Jersey	U.S. Citizen	David R. Meyer	Brother	<i>Bauer</i> action Paragraph 15
5	Meyer, Kristine	New Jersey	U.S. Citizen	David R. Meyer	Sister	<i>Bauer</i> action Paragraph 15
6	Meyer, Margaret	New Jersey	U.S. Citizen	David R. Meyer	Wife	<i>Bauer</i> action Paragraph 15
7	Meyer-Fuchs, Dawn	New Jersey	U.S. Citizen	David R. Meyer	Daughter	<i>Bauer</i> action Paragraph 15
8	Montanaro, Est. of Frank	New York	U.S. Citizen	Kristen L. Montanaro	Father	<i>Bauer</i> action Paragraph 24
9	Montanaro, Jamie	New York	U.S. Citizen	Kristen L. Montanaro	Sister	<i>Bauer</i> action Paragraph 24
10	Montanaro, Karen	New York	U.S. Citizen	Kristen L. Montanaro	Sister	<i>Bauer</i> action Paragraph 24
11	Murphy, Beth K.	New York	U.S. Citizen	Kevin Murphy	Wife	<i>Bauer</i> action Paragraph 11
12	Murphy, Caitlyn B.	New York	U.S. Citizen	Kevin Murphy	Daughter	<i>Bauer</i> action Paragraph 11
13	Murphy, Connor J.	New York	U.S. Citizen	Kevin Murphy	Son	<i>Bauer</i> action Paragraph 11
14	Murphy, John F.	Massachusetts	U.S. Citizen	Kevin Murphy	Brother	<i>Bauer</i> action Paragraph 11
15	Murphy, Michael J.	Ohio	U.S. Citizen	Kevin Murphy	Brother	<i>Bauer</i> action Paragraph 11
16	Murphy, Jr., Est. of Timothy F.	North Carolina	U.S. Citizen	Kevin Murphy	Father	<i>Bauer</i> action Paragraph 11
17	Murphy, Timothy P.	New York	U.S. Citizen	Kevin Murphy	Brother	<i>Bauer</i> action Paragraph 11
18	Nebbia, Jean	Florida	U.S. Citizen	Steven F. Schlag	Sister	<i>Bauer</i> action Paragraph 10
19	Orsini, Arlene	New Jersey	U.S. Citizen	Ronald Orsini	Wife	<i>Bauer</i> action Paragraph 17
20	Orsini, Est. of Robert	Nevada	U.S. Citizen	Ronald Orsini	Brother	<i>Bauer</i> action Paragraph 17

² *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

21	Pandolfi, Danielle	New Jersey	U.S. Citizen	Ronald Orsini	Daughter	<i>Bauer</i> action Paragraph 17
22	Parris, Aubrey	New York	U.S. Citizen	Colin Bonnett	Father	<i>Bauer</i> action Paragraph 6
23	Passarettta, Pamela	Wash., D.C.	U.S. Citizen	Adam J. Lewis	Sister	<i>York</i> action ³ Paragraph 7
24	Penavic, Suzanne J.	New York	U.S. Citizen	Joseph Sisolak	Wife	<i>Bauer</i> action Paragraph 54
25	Powell, Anna J.	New York	U.S. Citizen	Joseph Sisolak	Mother	<i>Bauer</i> action Paragraph 54

Dated: April 11, 2022

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

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³*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was voluntarily dismissed by the plaintiffs on March 22, 2004, because it was “duplicative” of claims in the *Ashton* action third and fourth complaints, ECF No. 66.